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MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER WANG, KENT F	
			ART UNIT 2622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/808,868	Applicant(s) AIZAWA, TAKASHI	
	Examiner KENT WANG	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Amendment after Non-Final Rejection filed on 07/10/2008 has been received and made of record. Examiner notes that the Applicant has added new claims 40-41. Claims 1-41 are pending in the application.

Response to Arguments

2. Applicant's remarks with respect to claims 1, 4, 7, 10, and 13 have been considered but are moot in view of the interpretation of the original cited references

The applicant argues that Tanaka does not teach or suggest that the attribute information is acquired or transmitted in two separate stages. The applicant also argues that the communication device in Tanaka does not acquire partial information for each of the images stored in the external device and the camera does not transmit partial information for each of the images. The examiner understands the applicant's arguments but respectfully disagrees with the applicant's assessment. In response to applicant's argument, it is noted that Tanaka does teach that the attribute information is acquired or transmitted in two separate stages : at step S110, the information processing device 44 transmits the information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image stored in the storing device, and at step S132, the image data is converted into the properties of the image instructed as required and the image data is transmitted to the communication device 80 in accordance with S132 of "transmit file data"

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(19:12-20:16). As illustrated in Fig 8, each image file group 142 contains information for each of the images and Fig 10 is a diagram showing virtual directory paths when file names of picked-up images and virtual file names of images to be picked up are classified for each of image pick-up conditions in a tree structure representation. Therefore, the communication device in Tanaka reference does acquire partial information for each of the images stored in the external device and the camera does transmit partial information for each of the images (12:49-15:20). Applicant's arguments with respect to independent claims 1, 4, 7, 10, and 13 are not persuasive.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-12 and 40-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tanaka, US 7,327,387.

Regarding claim 1, Tanaka discloses an information acquisition method for an information processing apparatus (a communication device 80, Fig 5) which acquires attribute information (tag information 144, Fig 9) related to image data (a main image 148, Fig 9) of images stored in an external device (an electronic camera 10, Fig 1), comprising:

- detecting whether the information processing apparatus (80) is connected to the external device (10) so that they can communicate with each other (as shown in Fig 14, in step S100 of "set an operation mode to a communication mode", the operation mode of the electronic camera 10 is set to a communication mode and

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the operation mode of the communication mode 80 is set to an image obtaining menu in S102 of "set an operation mode to an image obtaining menu" (18:52-19:11 and Fig 14);

- acquiring, for each of the images (folder list information, Fig 10), partial information instead of full information of the attribute information (as shown in step S110, information processing apparatus acquiring the tag information of folder list information of each of the image, i.e. the information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image) if it is detected that the information processing apparatus (80) connected to the external device (10) (19:12-57 and Fig 14); and
- acquiring, for each of the images, information including the rest of the attribute information (image file data) after acquiring the partial information (tag information) of the attribute information (attribute information is acquired or transmitted in two separate stages: as step S110, the information processing device 44 transmits the information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image stored in the storing device, and at step S132, the image data is converted into the properties of the image instructed as required and the image data is transmitted to the communication device 80 in accordance with S132 of "transmit file data") (19:12-20:16).

Regarding claim 2, Tanaka discloses the partial information (144) of the attribute information requires a short periods of time to be acquired than the rest of the attribute information (comparing to main image 148, the tag data 144 to be transferred is minimized as required, a communication time is reduced) (26:51-27:3).

Regarding claim 3, Tanaka discloses an information acquisition method further comprising in response to a request for an image (a current folder change request to the electronic camera in S118) by the information processing apparatus (80), information including the rest of the attribute information (image file data) of the requested image (a picture files in the current directory in the current folder) except for the previously acquired partial information (tag information) of the attribute information is acquiring from the external device (an electronic camera 10, Fig 1) (19:28-65)

Regarding claim 4, Tanaka discloses an information processing method for an image recording apparatus (an electronic camera 10, Fig 1) which generates attribute information (tag information 144, Fig 9) related to image data (main image 148, Fig 9) of stored images (recording medium 54, Fig 3), comprising:

- detecting whether the image recording apparatus (10) is connected to the external device (80) so that they can communicate with each other (as shown in Fig 14, in step S100 of "set an operation mode to a communication mode", the operation mode of the electronic camera 10 is set to a communication mode and the operation mode of the communication mode 80 is set to an image obtaining menu in S102 of "set an operation mode to an image obtaining menu") (18:52-19:11 and Fig 14);

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- generating, for each of the images (folder list information, Fig 10), partial information (tag information 144, Fig 9) of the attribute information (information attached to image and main image data, Fig 9) if it is detected that the image recording apparatus (10) connected to the external device (80) (when the electronic camera 10 receives the command of "request for folder list", a process for transmitting and receiving information related to the directories is performed in accordance with S110 of "folder list information" and the information processing device transmits the information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image stored in the storing device) (18:52-19:27 and Fig 14);
- transmitting the generated partial information (tag information 144) instead of full information (tag information attached to image plus main image data, Fig 9) of the attribute information to the external device (80) (11:62-12:15, and Fig 12); and
- transmitting, after transmitting the partial information (tag information), information including the rest of the attribute information (image file data) for an image (attribute information is acquired or transmitted in two separate stages : as step S110, the information processing device 44 transmits the information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image stored in the storing device, and at step S132, the image data is converted into the properties of the image

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instructed as required and the image data is transmitted to the communication device 80 in accordance with S132 of "transmit file data") (19:12-20:16).

Regarding claims 5, 8 and 11, these claims recite same limitations as claim 2. Thus they are analyzed as previously discussed with rejected to claim 2 above.

Regarding claims 6, 9 and 12, these claims recite same limitations as claim 3. Thus they are analyzed as previously discussed with rejected to claim 3 above.

Regarding claim 7, this claim differs from claim 1 only in that the claim 1 is a method claim whereas claim 7 is an apparatus. Thus the apparatus claim 7 is analyzed and rejected as previously discussed with respected to claim 1 above.

Regarding claim 10, this claim differs from claim 4 only in that the claim 4 is a method claim whereas claim 10 is an apparatus. Thus the apparatus claim 10 is analyzed and rejected as previously discussed with respected to claim 4 above.

Regarding claim 40, Tanaka discloses acquiring from the external device (an electronic camera 10, Fig 1) a list of information for specifying image data (main image data 148, Fig 9) stored in the external apparatus (a communication device 80, Fig 5) in advance of acquiring the partial information (tag information 144, Fig 9) of the attribute information (13:6-19).

Regarding claim 41, Tanaka discloses an attribute information acquisition unit (control unit of a printer 250, Fig 15) further acquires from the external device (an electronic camera 10, Fig 1) a list of information for specifying image data (main image data 148, Fig 9) stored in the external apparatus (a communication device 80, Fig 5) in

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advance of acquiring the partial information (tag information 144, Fig 9) of the attribute information (13:6-19 and 22:66-23:30).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 13-19 and 36-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaya (US 2004/0109062) in view of Tanaka (US 7,327,387).

Regarding claim 13, Yamaya discloses an information processing method for a digital imaging system having a digital image generating apparatus (a digital camera 102) and an information processing apparatus (a USB host personal computer 100), the digital image generating apparatus storing image data of a plurality of generated images (for example JPEG, MPEG, GIF, TIFF, BMP, and so forth) as image files in a storage device (a DRAM) ([0044] and [0047]), said method comprising:

- the information processing apparatus managing a plurality of pieces of attribute information contained in object information related to each of the image files in the digital image generating apparatus (102) in two or more categories (digital camera manages picture data with file numbers; [0079]) (attribute data is added to each file so that the computer can recognize related two files in the same folder; [0078]) (two or more categories: E-mail subfile and voice memory subfile; [0071]); and

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- the information processing apparatus creating for each of the image files, an object only containing information in a part of the categories out of the plurality of pieces of attribute information (as at step S112 of Fig 5, the controlling microcomputer creates a file table that contains information that represents the relation of main pictures and subfiles and the types of subfiles corresponding to folders, their names, record date/time data, and so forth; [0073] and [0074]) when the digital image generating apparatus is connected to the information processing apparatus (only when the digital camera and the personal computer are connected through the USB interface, the file table is generated; [0075]); and

Yamaya reference does not specifically teach that an object only containing information in a part instead of in full of the categories out of the plurality of pieces of attribute information when the digital image generating apparatus is connected to the information processing apparatus. However Tanaka does teach an object only containing information in a part (tag information 144, Fig 9) instead of in full of the categories out of the plurality of pieces of attribute information (tag information attached to image plus main image data, Fig 9) when the digital image generating apparatus (digital camera 10, Fig 3) is connected to the information processing apparatus (communication device 80, Fig 6) (when the electronic camera 10 receives the command of "request for folder list", a process for transmitting and receiving information related to the directories is performed in accordance with S110 of "folder list information" and the information processing device transmits the information of the file name or the directory names classified for each of the parameters indicating the pick

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up conditions or the properties of the image stored in the storing device) (18:52-19:27 and Fig 14, Tanaka).

Yamaya reference does not specifically teach the information processing apparatus adding to the created object for each of the image files information of the rest of the categories of the attribute information. However, Tanaka further does teach the information processing apparatus adding to the created object (tag information) for each of the image files information of the rest of the categories (image data file) of the attribute information (attribute information is acquired or transmitted in two separate stages: as step S110, the information processing device 44 transmits the information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image stored in the storing device, and at step S132, the image data is converted into the properties of the image instructed as required and the image data is transmitted to the communication device 80 in accordance with S132 of "transmit file data") (19:12-20:16, Tanaka).

Thus, it would have been obvious to one of ordinary skill in the art to have included the information transmitting system as taught by Tanaka into Yamaya's data transfer method, as to provide a data transfer method wherein the configuration enables improving a working efficiency in transfer processing in the attribute information, thus the image data to be transferred may be minimized as required, a communication time can be shortened and a desired image can be printed in a short time (5:44-6:5, Tanaka).

Regarding claim 14, Yamaya discloses an application running on the information processing apparatus (100) requires overall image data of an image, the digital image

generating apparatus (102) generates attribute information of the required image (attribute data is added to each file; [0078]) except for the attribute information in the part of the categories (file type information: 1 represents an E-mail subfile and 2 represents a voice memo subfile; [0074]) generated at the time of the connection between the information processing apparatus (100) and the digital image generating apparatus (102), and the information processing apparatus (100) acquires the generated attribute information, and then stores and manages the generated attribute information in the object created at the time of the connection (see [0073], [0074], [0075], and [0078]).

Regarding claim 15, Yamaya discloses the information in the part of the categories of the attribute information (file type information: 1 represents an E-mail subfile and 2 represents a voice memo subfile; [0074]) is acquired from management information (file type information) held by a file system in the digital image generating apparatus (102).

Regarding claim 16, Yamaya discloses the attribute information except for the information in the part of the categories of the attribute information contains data in a file stored in the digital image generating apparatus (the controlling microcomputer 6 creates a file table for files stored in the record medium 9 and the created file table is stored in the buffer memory 8; [0073]).

Regarding claim 17, Yamaya discloses a computer readable medium encoded with a computer program for causing a computer to execute the information acquisition method according to claim 1 (an application program has been installed to the personal computer 100) ([0063]).

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Regarding claims 18 and 19, these claims recite same limitations as claim 17. Thus they are analyzed and rejected as previously discussed with respect to claim 17 above.

Regarding claim 36, Yamaya discloses the partial information (object information) includes a file name, a file size, and date and time when a file is generated ([0117]).

Regarding claim 37, Yamaya discloses the rest of the attribute information (image data file) includes a thumbnail data (a thumbnail P5, Fig 22) corresponding to the image data ([0117]-[0118]).

7. Claims 20-21, 24-25, 28-29 and 32-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (US 7,327,387) in view of Yamaya (US 2004/0109062).

Regarding claim 20, the limitations of claim 1 are taught above, the Tanaka references does not specifically teach that partial information includes a file name, a file size, and date and time when a file is generated. However Yamaya discloses the partial information (object information) includes a file name, a file size, and date and time when a file is generated ([0117]).

Thus, it would have been obvious to one of ordinary skill in the art to have included the data structure as taught by Yamaya into Tanaka's data transfer system, as to provide a apparatus which is capable to generating a data structure of object information corresponding to one object handle obtained by an operation and to cause an object handle to be easily recognized as a folder ([0117], Yamaya).

Regarding claim 21, Tanaka discloses the rest of the attribute information (image data file) includes a thumbnail data (146) corresponding to the image data (col. 13, lines 6-29).

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Regarding claims 24, 28, and 32, these claims recite same limitations as claim 20. Thus they are analyzed as previously discussed with rejected to claim 20 above.

Regarding claims 25, 29, and 33, these claims recite same limitations as claim 21. Thus they are analyzed as previously discussed with rejected to claim 21 above.

8. Claims 22-23, 26-27, 30-31, and 34-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (US 7,327,387) in view of Yamaya (US 2004/0109062), and further in view of Watanabe (US 7,304,667).

As for claim 22, the limitations of claim 1 are taught above, the Tanaka and Yamaya references do not specifically teach that partial information includes information obtained without analyzing a file of the image data. However Watanabe does teach the partial information (tag information, Fig 6) includes information (auto and manual capturing configurations, Fig 6) obtained without analyzing a file of the image data (outputting unit 126 outputs tag information with capturing configuration) (18:16-43 and Fig 6, Watanabe).

Thus, it would have been obvious to one of ordinary skill in the art to have included the auto capturing unit as taught by Watanabe into Tanaka and Yamaya's data transfer system, as to provide a apparatus which is capable to determine capturing tag information in association with the image based on the auto and manual capturing configuration without analyzing it (2:8-16, Watanabe).

As for claim 23, the limitations of claim 1 are taught above, the Tanaka and Yamaya references do not specifically teach that the rest of the attribute information other than said partial information includes information obtained by analyzing a file of the image data. However Watanabe does teach the rest of the attribute information (image processing control

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information, Fig 6) other than said partial information (auto and manual capturing configurations, Fig 6) includes information (processing degree designating code, color depth process and edge enhancing, Fig 6) obtained by analyzing a file of the image data (18:44-67, Watanabe).

Thus, it would have been obvious to one of ordinary skill in the art to have included the auto capturing unit as taught by Watanabe into Yamaya and Tanaka's data transfer system, as to provide a apparatus which is capable to control the image processing unit based on the image processing control information associated with the image (2:17-33, Watanabe).

Regarding claims 26, 30, and 34, these claims recite same limitations as claim 22. Thus they are analyzed as previously discussed with rejected to claim 22 above.

Regarding claims 27, 31, and 35, these claims recite same limitations as claim 23. Thus they are analyzed as previously discussed with rejected to claim 23 above.

9. Claims 38-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaya (US 2004/0109062) in view of Tanaka (US 7,327,387), and further in view of Watanabe (US 7,304,667).

As for claim 38, the limitations of claim 13 are taught above, the Yamaya and Tanaka references do not specifically teach that partial information includes information obtained without analyzing a file of the image data. However Watanabe does teach the partial information (tag information, Fig 6) includes information (auto and manual capturing configurations, Fig 6) obtained without analyzing a file of the image data (outputting unit 126 outputs tag information with capturing configuration) (18:16-43 and Fig 6, Watanabe).

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Thus, it would have been obvious to one of ordinary skill in the art to have included the auto capturing unit as taught by Watanabe into Yamaya and Tanaka's data transfer system, as to provide a apparatus which is capable to determine capturing tag information in association with the image based on the auto and manual capturing configuration without analyzing it (2:8-16, Watanabe).

As for claim 39, the limitations of claim 13 are taught above, the Yamaya and Tanaka references do not specifically teach that the rest of the attribute information other than said partial information includes information obtained by analyzing a file of the image data. However Watanabe does teach the rest of the attribute information (image processing control information, Fig 6) other than said partial information (auto and manual capturing configurations, Fig 6) includes information (processing degree designating code, color depth process and edge enhancing, Fig 6) obtained by analyzing a file of the image data (18:44-67, Watanabe).

Thus, it would have been obvious to one of ordinary skill in the art to have included the auto capturing unit as taught by Watanabe into Yamaya and Tanaka's data transfer system, as to provide a apparatus which is capable to control the image processing unit based on the image processing control information associated with the image (2:17-33, Watanabe).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure: McCurdy et al. (US 2004/0114044), Hatanaka (US 2002/0090208), Kaibara (US

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6,954,280), Ito et al. (US 6,937,356), Creamer et al. (US 6,930,709), and Camera et al. (US 6,889,364).

11. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KW
29 Aug 2008

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